

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 10085 of 1994

Between:

N.P. Komala, W/o S. Raveendra, working as B.Ed. Assistant, Little Flower English Medium High School, Greampet, Chittoor District.

..... PETITIONER

AND

1. The Headmistress, Little Flower English Medium High School,

Greampet, Chittoor District.

2. The Correspondent, Little Flower English Medium High School,

Greampet, Chittoor District.

3. The District Educational Officer, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly a writ of mandamus declaring the action of the 2nd respondent in retrenching the petitioner's services as B.Ed., Assistant as illegal, improper, unjust, arbitrary and contrary to Sections 79 and 83 of the Education Act and further declare that the petitioner is entitled for absorption as B.Ed., Assistant with effect from his date of appointment with all consequential benefits including seniority, monitory.

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

**Counsel for the Respondents 1 & 2: MR. C. SRINIVASA BABA &
MR.G.JAGADEESWAR**

Counsel for the Respondent No.3: GP FOR EDUCATION

The Court made the following :

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO. 10085 OF 1994

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ORAL ORDER :

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent – The Correspondent, Little Flower English Medium High School, Greampet, Chittoor District, in terminating the services of the petitioner as B.Ed. Assistant as arbitrary and illegal.

The petitioner states that she was appointed as B.Ed Assistant in the 2nd respondent school on 21.6.1991 and since then she has been discharging her duties to the complete satisfaction of the higher authorities. She was also deputed by the 2nd respondent to undergo Short-term Intensive Course for High School Teachers of English from 29.10.1992 to 7.11.1992. The grievance of the petitioner is that on 16.5.1994, she was directed by the 2nd respondent orally not to attend the school from June, 1994 onwards. The petitioner contends that the action of the 2nd respondent in terminating her services without there being any justifiable reason and without following due process of law is arbitrary and illegal.

While issuing Rule Nisi, this Court by interim order dated 1.6.1994 in W.P.M.P.No.12256 of 1994 directed the 2nd respondent to allow the petitioner to continue in service until further orders. Though the respondents filed counter-affidavit along with vacate petition, this Court declined to vacate the interim order and made it absolute on 8.9.1994.

I have heard the learned Counsel for both the parties and perused the material on record.

It is relevant to note that in the counter-affidavit filed on behalf of the 2nd respondent, a specific stand has been taken that the services of the petitioner were never terminated and that the petitioner is still being continued in the school on the same terms and conditions. It is also stated that the oral termination as alleged by the petitioner is incorrect and the writ petition is premature.

Having regard to the facts and circumstances of the case and particularly the stand taken by the 2nd respondent that there is no termination at all, I am of the view that no adjudication on merits of the case is required.

Accordingly, the Writ Petition is disposed of recording the stand taken by the 2nd respondent that the services of the petitioner are not terminated and that she is being continued in the school of the 2nd respondent on the same terms and conditions. The petitioner is granted liberty to take fresh proceedings in case necessity thereof arises. No costs.

Dated: 01st July, 2004. ASSISTANT REGISTRAR

Copies to:

1. The District Educational Officer, Chittor
2. Two C.Cs to G.P. for Education, High Court Buildings,
Hyderabad (OUT)
3. Two C.D. copies.

NN / gbs